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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,493	03/09/2001	Lisa M. Guerra	BVOC020	7446

7590 08/19/2003

BeVocal, Inc.
685 Clyde Avenue
Mountain View, CA 94043-2213

EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 08/19/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary

Application No.

09/802,493

Applicant(s)

GUERRA ET AL.

13

Examiner

Susan McFadden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-9-01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 13 and 15-17 are objected to because of the following informalities: in regard to claim 13, the Examiner thinks "closed" in line 2 should be "closest". In regard to claims 15-17, it is unclear how a system comprises "logic for ...". A system should comprise devices. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,3,4,5,6,8,9,11,12,15,16,17, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (6,501,832).

In regard to claims 1,3,5,6,8,9,15,16, and 18-19, Saylor et al. show a method, computer program, and system for determining an address of a location comprising: a) receiving an utterance representative of an entity or business from a user (call, col 8-9), b) recognizing the entity using speech recognition (col. 9, ln 29-40), c) determining/selecting a current location associated with the user (directions, col. 9, ln 29-40), d) performing a query using criteria to identify a plurality of locations associated

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with the entity (Vpage, directions, col. 9), and e) ascertaining which of the identified location are in proximity to the user and are delivered to the user (col. 9).

In regard to claims 2-4, 17, and 20, Saylor et al. show the method and system discussed above, wherein the user is informed audibly or by an electronic message (downloadable voice files, text files, col. 11, ln 45-51).

In regard to claims 11 and 12, Saylor et al. show the method and system discussed above, wherein promotions are offered to the user with entities determined to be proximal to the location of the user (Washington Monument souvenirs, col. 9, ln 5-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (cited above).

In regard to claim 7, Saylor et al. show the method and system discussed above, wherein the user is informed of restaurants (claimed entities) located near a location. Saylor et al. do not specifically show that the criteria the user is using is entity currently holding a sale or a currently open entity. The Examiner takes Official Notice that one of ordinary skill in the art would know that various databases could have items stored in them by location and include information on location, sales, phone numbers, type, etc.

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Currently, PDAs can have stored files with restaurant and other data stored by location also. Therefore, it would be obvious to one of ordinary skill in the art to add these features to the system above because it makes the system more versatile and user friendly.

In regard to claim 10, Saylor et al. show the method and system discussed above, wherein the user is informed of restaurants (claimed entities) located near a location. Saylor et al. do not specifically show that the system comprises means for facilitating communication between the user and the entity. The Examiner takes Official Notice that one of ordinary skill in the art would know that various databases could have items stored in them by location and include information on phone numbers of local entities. Currently, PDAs can have stored files with restaurant and other data stored by location that include phone numbers. Therefore, it would be obvious to one of ordinary skill in the art to add these features to the system above because it makes the system more versatile and user friendly.

In regard to claims 13 and 14, Saylor et al. show the method and system discussed above, wherein the user is informed of restaurants (claimed entities) located near a location. Saylor et al. do not specifically show that the system comprises means for determining the closest entity or ranking them. The Examiner takes Official Notice that one of ordinary skill in the art would know that various databases could have items stored in them by location and include information on closest location and ranking. Currently, PDAs can have stored files with restaurant and other data stored by location that include ranking information. Therefore, it would be obvious to one of ordinary skill in


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the art to add these features to the system above because it makes the system more versatile and user friendly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Susan McFadden
Primary Examiner
Art Unit 2655

August 15, 2003